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| 10/642,398 | 08/14/2003 | Frederick Hayes-Roth | FHR-103 | 9440 |
| 30869 7590 08/04/2008 LUMEN PATENT FIRM, INC. 2345 YALE STREET SECOND FLOOR PALO ALTO, CA 94306 | | | | |
| EXAMINER | | | | |
| SAX, STEVEN PAUL | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,398

Applicant(s)

HAYES-ROTH, FREDERICK

Examiner

Steven P. Sax

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/22/08.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
4a) Of the above claim(s) 32-49 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election with traverse of claims 1-31 in the reply filed on 4/22/08 is acknowledged. The traversal is on the ground(s) that both subcombinations can have the same utility of indicating appointments on a graphical user interface. This is not found persuasive because subcombination I does not recite language specifically of indicating appointments on a graphical user interface. Subcombination II, however, does have language to support this, for example in independent claim 32. Even dependent claims in subcombination II such as claim 36 bring this out by reciting generating integrated views of a federated calendar. But subcombination I does not have claim language regarding actual presenting of a graphical user interface or indicating within a graphical user interface.

The requirement is still deemed proper and is therefore made FINAL.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed to an improvement consisting of elements which may be only software or program code elements. Such elements are not statutory. .

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 13-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gliitho et al (US Pub 2004/0078256) and Hesse (US Pub 2003/0174826).
5. Regarding claim 1, Gliitho et al show in a network environment having a plurality of users each having a network-enabled calendar (abstract, para 10), the improvement comprising: a computer-implemented hook-up assistant (HUA) capable of determining an appropriate time when at least two people will be available to participate in an event or activity (para 11, 12, 18, 21); scheduling said event or activity at said appropriate time on respective calendars of said at least two people (para 21, 23).
- Gliitho et al do not go into the details of initiating said event or activity substantially at said appropriate time, but do discuss facilitating a videoconferencing event (for example, para 26). Furthermore, Hesse shows initiating an event at the appropriate time, specifically a videoconferencing event, for convenient facilitation of a videoconferencing event (para 10, 11, 74, 80). It would have been obvious to a person with ordinary skill in the art to have this in

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Glitho et al, because it would allow convenient facilitation of a videoconferencing event.

6. Regarding claim 2, said HUA comprises preferences and constraints of one of said at least two people; and wherein said appropriate time is determined consistent with said preferences and constraints (Glitho et al para 23, 29).

7. Regarding claim 3, said HUA comprises privileges to access and alter said respective calendars of said at least two people, and means for accessing and altering said respective calendars of said at least two people according to said privileges (Glitho et al para 23, 24, 29).

8. Regarding claim 4, note the means for activating said HUA in response to a request from one of said at least two people (Glitho et al para 22).

9. Regarding claim 5, said means for activating further comprises means for interacting with said one of said at least two people; and means for proposing said event or activity based on inputs obtained during said interaction (Glitho et al para 22, 23).

10. Regarding claim 6, said means for activating further comprises means for interacting with said one of said at least two people to solicit yes or no answers; and means for proposing said event or activity based on said

answers (Gliitho et al para 22, 23).

11. Regarding claim 7, note the means for activating said HUA in response to a request referring to a previous event or activity with desired changes thereto (Gliitho et al para 24).

12. Regarding claim 8, said request is in a form of spoken or manually entered natural language, in a form of a computer language, or in a form of an electronic signal (the electronic signal, see Gliitho et al para 22, 24. This is written in alternative form, so either choice fulfils the claim.)

13. Regarding claim 9, note automatically activating said HUA in response to an incomplete telephone call made by a first of said at least two people to a second of said at least two people (see Hesse para 42, 58, 76, 77. The obviousness to have this in Gliitho et al is the same as that mentioned in paragraph 5 of this Office Action).

14. Regarding claim 10, the incomplete telephone call is indicated by a busy signal, an answering machine, a voicemail service, a computerized agent, a human assistant, a receptionist, a secretary, an inanimate entity, or an animate entity other than said second of said at least two people (specifically in Hesse, this may be the guard, or the computerized agent see para 42, 58, 77, 78. The obviousness to have this in Gliitho et al is the same as that mentioned in

paragraph 5 of this Office Action).

15. Regarding claim 11, said HUA comprises means for exchanging data related to said respective calendars essentially regardless of physical and virtual boundaries that include distance, language, platforms, operating systems, and network protocols (Glitho et al para 19, 20).

16. Regarding claim 13, said HUA comprises means for assuring said at least two people be able to participate in said event or activity at said appropriate time (see in particular Hesse para 44. The obviousness to have this in Glitho et al is the same as that mentioned in paragraph 5 of this Office Action).

17. Regarding claim 14, said means for assuring comprises means for determining whether said at least two people will have, at said appropriate time, access to suitable communication means that will be available for use in said event or activity; and means for reminding said at least two people about said event or activity (again Hesse para 44. The obviousness to have this in Glitho et al is the same as that mentioned in paragraph 5 of this Office Action).

18. Regarding claim 15, said suitable communication means include wired and wireless communication devices, resources, web-based services, cellular phones, telephones (Glitho et al para 19), video phones, Internet-enabled phones, Internet-enabled input devices, instant messaging, virtual meeting

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places, online chat rooms (see Hesse para 24, 25, 28, 29. The obviousness to have this in Glitho et al is the same as that mentioned in paragraph 5 of this Office Action), personal digital assistant (PDA), and World Wide Web Consortium (W3C) compliant multimodal interaction means (Glitho et al para 19, 24). Neither Glitho et al nor Hesse specifically mention the online games, Multi-User Dungeons (MUDs) or MUD Object Oriented sites (MOOs), but Examiner takes Official Notice that these are common in the art to facilitate user interaction, such as their chat room ability, as well for user interaction in a recreational fashion. Furthermore, Hesse et al show a variety of media options to facilitate user interaction, some even for recreational (para 49, 78). It would have been obvious to a person with ordinary skill in the art to have these in the system of Glitho et al, especially as modified by Hesse, because it would facilitate user interaction, even in a recreational way.

19. Regarding claim 16, said event or activity is a phone conversation, a business meeting, a family gathering, or a social engagement (Glitho et al para 22 for example).

20. Regarding claim 17, said HUA comprises means for securing reservations necessary to realize said event or activity for said at least two people Glitho et al para 23).

21. Regarding claim 18, event or activity requires admission tickets, tokens, or

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permits; and wherein said HUA comprises means for acquiring said admission tickets, tokens, or permits for said at least two people to attend said event or activity (Hesse para 44. The obviousness to have this in Glitho et al is the same as that mentioned in paragraph 5 of this Office Action.) Neither Glitho et al nor Hesse specifically mention that the tickets must be purchased per se, but Examiner takes Official Notice that it is common in the art to have means for purchasing tickets at the same station for acquiring them. It would have been obvious to a person with ordinary skill in the art to have this in the system of Glitho et al, especially as modified by Hesse, because it would allow convenient facilitation of user interaction.

22. Regarding claim 19, said event or activity requires invitations; and wherein said HUA comprises means for obtaining invitations for said at least two people to attend said event or activity (Glitho et al para 23, 24).

23. Regarding claim 20, said appropriate time or said event or activity is found infeasible or otherwise undesirable, said HUA comprises means for proposing at least one alternative (Glitho et al para 18, 23, 24, 28).

24. Regarding claim 21, said HUA is capable of proposing changes in prior commitments on said respective calendars when a new request can only be desirably satisfied by impinging on said prior commitments (Glitho et al para 24, 28).

25. Regarding claim 22, said HUA is capable of altering said prior commitments in accordance with proper privileges predetermined or obtained in real time (Glitho et al para 24, 28).

26. Regarding claim 23, said HUA is enabled to determine independently how said prior commitments can be altered; and said HUA automatically alters said prior commitments on said respective calendars to satisfy said new request and promptly notifies those affected by said alteration (Glitho et al para 24, 28).

27. Regarding claim 24, alteration is selected from the group consisting of rescheduling said prior commitments, replacing said prior commitments with alternatives, and a combination thereof (Glitho et al para 24, 28).

28. Regarding claim 25, note means for activating said HUA, or invoking one or more functions thereof, in response to a triggering mechanism selected from the group consisting of a tone, a button, a key, a sound, a spoken word, a sequence of tones, a sequence of buttons, a sequence of keys, a sequence of sounds, a sequence of spoken words, and a combination thereof (Glitho et al, a sequence of keys, para 23).

29. Regarding claim 26, said HUA automatically contacts or automatically schedules to contact a person, an agent of said person, or a HUA of said person

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to schedule a hook-up event to bring its user and said person together (Hesse para 10, 11, 74, 80. The obviousness to have this in Gliitho et al is the same as that mentioned in paragraph 5 of this Office Action).

30. Regarding claim 27, said contact is realized by phone, text message, voice message, or email (Hesse para 24. The obviousness to have this in Gliitho et al is the same as that mentioned in paragraph 5 of this Office Action).

31. Regarding claim 28, said schedules to contact is effected periodically until a certain criterion is satisfied (Hesse para 74, 80. The obviousness to have this in Gliitho et al is the same as that mentioned in paragraph 5 of this Office Action).

32. Regarding claim 29, note a computer product for implementing said HUA, the computer product comprising a computer readable medium carrying computer-executable instructions implementing a plurality of functions of said HUA (Gliitho et al para 18).

33. Regarding claim 30, said computer product is embodied in a phone, a stand-alone network-enabled device, a client, a server, or a combination thereof (Gliitho et al para 18).

34. Regarding claim 31, said computer product is implemented as part of an instant messaging system (see Hesse para 24, 25, 28, 29. The obviousness to

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have this in Gliitho et al is the same as that mentioned in paragraph 5 of this Office Action).

35. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gliitho et al (US Pub 2004/0078256) and Hesse (US Pub 2003/0174826) and Creamer et al (US Pat 6735294).

36. Regarding claim 12, in addition to that mentioned for claim 11, neither Gliitho et al nor Hesse go into all the details that the means for exchanging data is capable of encoding a cross-domain structured syntax language including hypertext markup language (HTML), eXtensible HTML (XHTML), eXtensible markup language (XML), XML document type definition (DTD), and XML schema, but Gliitho et al mention the Java applications (para 19) and both Gliitho et al and Hesse mention a variety of formats for ease of calendar and scheduling facilitation. Furthermore, Creamer et al do show these for ease of calendar and scheduling facilitation. It would have been obvious to a person with ordinary skill in the art to have this in the system of Gliitho et al, especially as modified by Hesse, because it would allow ease of calendar and scheduling facilitation.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
